

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45066 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- TARIYANI CHAPRA PS District- Sheohar

Shaikh Aliraja Anjum @ Ali Raja Anjum Shaikh S/O Shaikh Alijafar Anjum
R/O Village- Chak Habibullah, P.S- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-08-2025 Heard Mr. Hari Kishore Thakur, learned counsel

for the petitioner and Ms. Sangeeta Sharma, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tariyani Chhapra P.S. Case No. 02 of 2025, F.I.R dated 04.01.2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 117 liters of illicit liquor.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R that nothing has been recovered from the conscious possession of the petitioner



rather the recovery has been made from the Wagon-R vehicle bearing registration no. BR06H-5352. The petitioner has been made accused merely on the basis that he is the owner of the vehicle in question but infact the petitioner has sold the vehicle in question to Munna Singh on 08.09.2023 and similarly situated co-accused persons, namely, Ravindra Kumar and Sunil Kumar @ Sunil Sahni @ Sukhan Sahni have been granted the privilege of anticipatory bail by co-ordinate Bench of other Court vide order dated 02.04.2025 in Cr. Misc. No. 17973 of 2025. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid



down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts that nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent and the petitioner has sold the vehicle in question to one Munna Singh on 08.09.2023, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Sheohar in connection with Tariyani Chhapra P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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